

**Remarks**

This Amendment is in response to the Office Action dated **January 3, 2008**. The Office Action rejected claims 1-14 under 35 U.S.C. § 102(b) as being unpatentable over EP 1,078,888 (hereinafter Horst). This rejection is in error for two reasons, **1)** not every limitation present in claim 1 and its dependents are disclosed by Horst and **2)** Applicant's priority date pre-empts the use of Horst in a rejection under 35 U.S.C. § 102(b).

**1) Claim limitations not present in Horst**

Not every limitation present in claims 1 and 2 and 1's dependents are disclosed by Horst. Specifically Horst does not disclose a cylindrically shaped screen having a feeding element arranged on the inside wall of the screen. While Horst does describe a cylindrically shaped screen, (in its FIGs. 2c and 4) it does not disclose a feeding element engaged to the inside wall of the cylindrically shaped screen. The only feeding element disclosed in Horst (in its FIG. 1) is engaged to a shaft and not to the inside wall of the screen. Furthermore the screen in Horst's FIG. 1 is a flat screen not a cylindrically shaped screen as stated in the claims. Because not every limitation stated in claim 1 and its dependants is disclosed by Horst, this rejection is respectfully traversed.

**2) Applicant's priority date**

Horst is not prior art. 35 U.S.C. § 102(b) states that:

A person shall be entitled to a patent unless the invention was patented or described in a printed publication in ... a foreign country ... more than one year prior to the date of application for patent in the United States.

This application was filed under 35 USC § 371 and has an international priority date of 06/21/2001. Per MPEP § 1893.03(b), for purposes of 35 U.S.C. § 102(b) analysis the "date of application for patent in the United States" for an application filed under 35 USC § 371 is

the international priority date. MPEP § 1893.03(b) also states that sometimes confusion arises because while PAIR displays an “application filing date” which is the date when the application is received by the USPTO, the date that must be used for 35 U.S.C. § 102(b) analysis is the international priority date and not PAIR’s “application filing date”. As a result this application’s date of application for patent in the United States is 06/21/2001.

Because of this date of application for patent in the United States, Horst is not prior art. Horst was first published on 02/28/2001, only approximately four months before the priority date. To the best of Applicant’s knowledge Horst only issued as a European patent on 01/08/2003. Because neither of these dates are more than 1 year before the date of application for patent in the United States, under 35 U.S.C. § 102(b) Horst is not prior art to this Application.

**Conclusion**

Based on the previous remarks, Applicant respectfully submits this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-14 are requested.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS



Date: April 2, 2008

By: /Benjamin Carlsen/  
Benjamin E. Carlsen  
Registration No.: 52697

6640 Shady Oak Dr., Suite 400  
Eden Prairie, MN 55344-7834  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001